

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BURRELL MICHAEL CUSHMAN,

11 v.
12 Petitioner,

13 STATE OF WASHINGTON,
14 Respondent.

CASE NO. C20-0202-JCC

ORDER

15 This matter comes before the Court on the report and recommendation of the Honorable
16 Mary Alice Theiler, United States Magistrate Judge (Dkt. No. 5). Petitioner filed timely
17 objections to the report and recommendation. (Dkt. No. 6.) Having thoroughly considered the
18 report and recommendation, Petitioner's objections, and the relevant record, the Court hereby
19 FINDS and ORDERS that:

20 1. Petitioner's objections (Dkt. No. 6) are OVERRULED;
21 2. Judge Theiler's report and recommendation (Dkt. No. 5) is APPROVED and ADOPTED;
22 3. Petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus (Dkt. No. 3) and this
23 action are DISMISSED without prejudice for failure to exhaust state court remedies;
24 4. Petitioner's motion to compel information (Dkt. No. 4) is DENIED as moot;
25 5. Petitioner is DENIED a certificate of appealability; and
26 6. The Clerk is DIRECTED to send copies of this order to Petitioner and to Judge Theiler.

1 DATED this 22nd day of April 2020.
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7 John C. Coughenour
8 UNITED STATES DISTRICT JUDGE
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